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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,474	03/24/2004	Dominic P. Perrotta	F-8438	1761

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LERNER GREENBERG STEMER LLP  
P O BOX 2480  
HOLLYWOOD, FL 33022-2480

EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT PAPER NUMBER

3637

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/811,474	PERROTTA ET AL.	
	Examiner	Art Unit	
	Timothy M. Ayres	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/24/04</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

### DETAILED ACTION

This is a first office action on the merits of application SN 10/811,474.

#### ***Claim Rejections - 35 USC § 102***

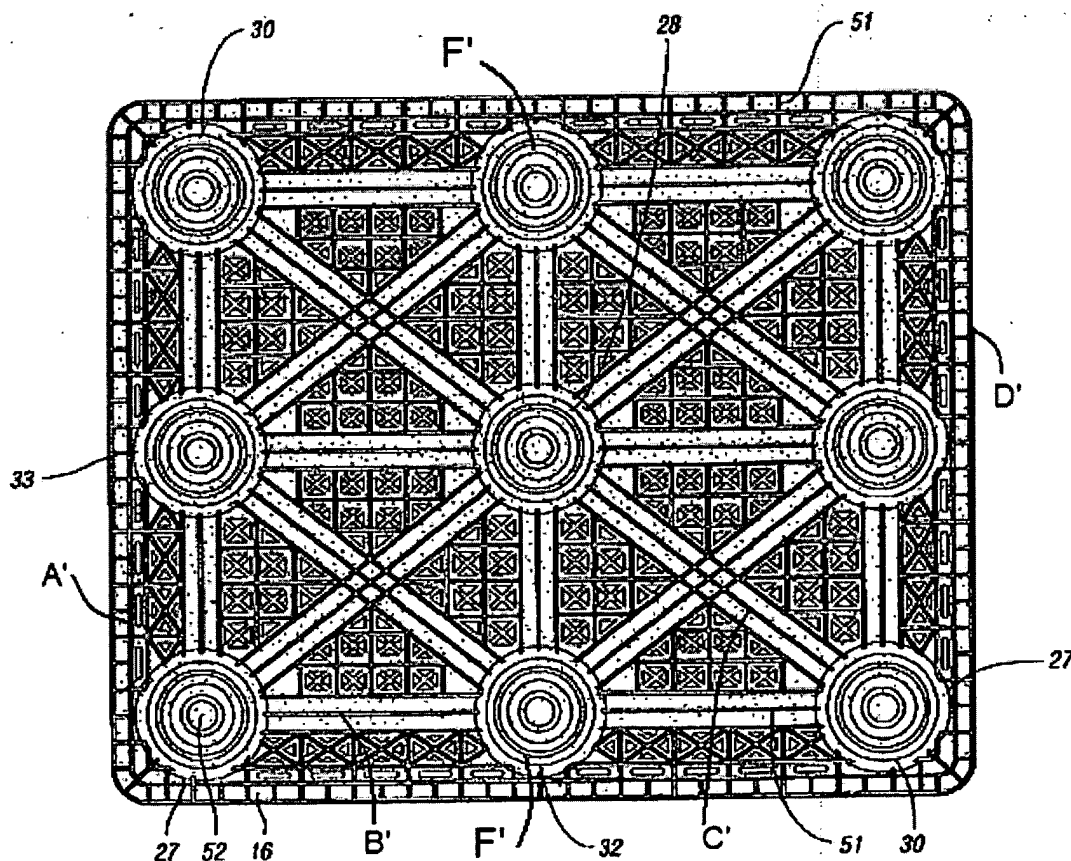
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

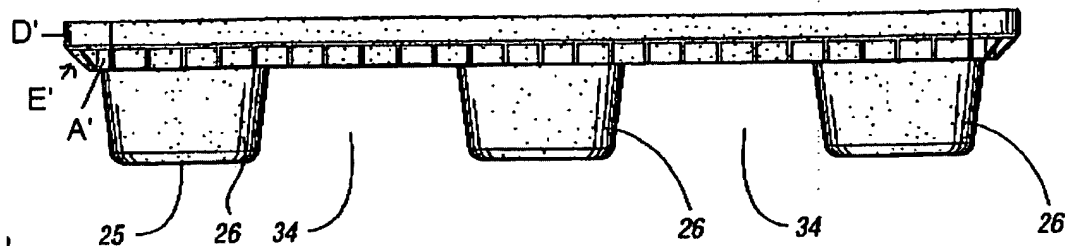
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Publication 2002/0017225 to Koefeld. Koefeld teaches a pallet (10) comprising a single wall of homogenous material (12) defining a substantially flat load-supporting surface (14). The load-supporting surface (14) having perimeter edges (18,20,22,24) and an underside (16) opposite it. Raise ribs (51, A', B', C') formed by an increased material thickness of the wall and projecting from the underside (16) and extending between and up to the perimeter edges. Deflection in the single wall forms legs (26) that project from the underside (16). The perimeter edges (18,20,22,24) include two opposite substantially parallel longitudinal edges (18,20) and two other substantially parallel opposite edges (22,24) and wherein the opposite longitudinal edges are longer than other two opposite edges as best seen in figure 2. The legs number 9 with 4 corner legs, a center leg and 4 side legs in the middle of the sides between the four corner legs. The legs are cored out from the load-supporting surface as seen in figure 1. The legs have holes (54) formed therein for allowing fluid to drain

and have draft angles for producing and stacking the pallets as best seen in figure 6 and 7 (Page 4, Paragraph 68). The raised ribs (51, A', B', C') include longitudinal raised ribs (B') extending substantially parallel to the longitudinal edge (18,20) and radial raised ribs (C') radiating from a center of the pallet. Downwardly-extending lips (D') formed by an increase material thickness of the wall and projecting from the underside (16) at the four edges as seen in figure 3-5. The material thickness of the downwardly-extending lips being less than said material thickness of the raised ribs and the raised ribs have a lead angle (E') blending into the downwardly-extending lips. The load-supporting surface (14) has a surface texture (Page 3, Paragraph 62).



Koefeldt '225 Figure 3



Koefeldt '225 Figure 4

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

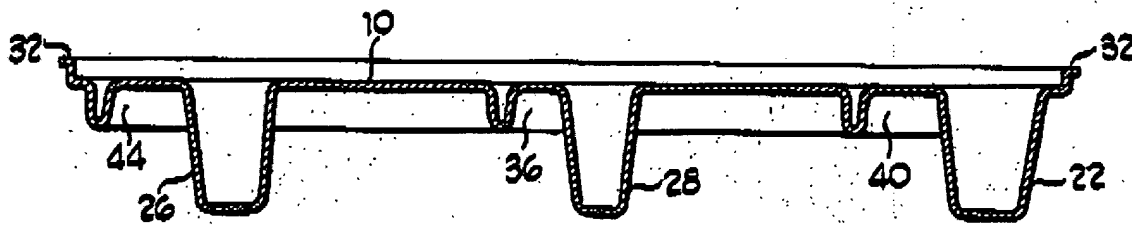
5. Claims 2-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2002/0017225 to Koefeldt in view of US Patent 3,526,195 to Maryonovich. Koefeldt discloses every element as claimed and discussed above except the pallet further comprising raised lips formed by an increased material

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thickness of the wall and projecting from the load-supporting surface at the four edges.

Maryonovich teaches a pallet made from a single wall of homogeneous material (10) with a raised lip (32) that projects from the load supporting surface at the four edges. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the pallet of Koefeldal to add a raised lip at the edges as taught by Maryonovich to provide additional rigidity (Maryonovich '195, Col. 2, Lines 13-15).

6. Regarding claim 4, it would have been obvious for a person of ordinary skill in the art to modify the pallet of Koefeldal in view of Maryonovich by removing the two side legs (F') that are on the shorter sides of the other edges (22,24) since doing so will cause the pallet to be lighter while not given up any structural integrity due to the numerous raised ribs.



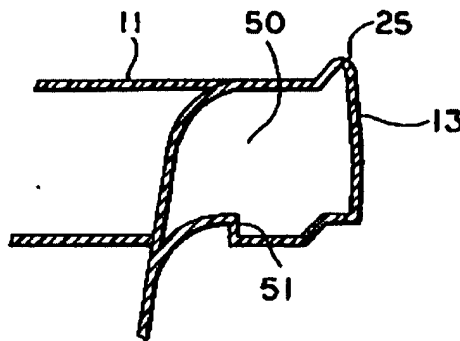
Maryonovich '195 Figure 2

7. Claims 2-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2002/0017225 to Koefeldal in view of US Patent 5,791,262 to Knight. Koefeldal discloses every element as claimed and discussed above except the pallet further comprising raised lips formed by an increased material thickness of the wall and projecting from the load-supporting surface at the four edges. Knight teaches a

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pallet (10) made from twin sheets by vacuum molding. Along the edge of the pallet is a raised lip (25). At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the pallet of Koefeldt by adding a raised lip of increased material thickness as taught by Koefeldt in the raised ribs underneath the pallet and as taught by Knight to have the raised lip in a location along the edge to help minimize movement of the cargo and to help strengthen the pallet (Knight '262, Col. 6, lines 57-64; Col. 3, lines 64-67; Col 4. Lines 1-2).

8. Regarding claim 4, it would have been obvious for a person of ordinary skill in the art to modify the pallet of Koefeldt in view of Knight by removing the two side legs (F') that are on the shorter sides of the other edges (22,24) since doing so will cause the pallet to be lighter while not given up any structural integrity due to the numerous raised ribs.



Knight '262 Figure 5

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Fahrion, Hentges, Needham, Boyce,

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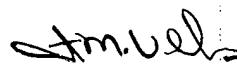
Koefeldt'846, Toot, Evans, Constantino, Lawlor, and Haskins all teach elements of pallets as substantially claimed and disclosed in this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA  
4/10/06



JANET M. WILKENS  
PRIMARY EXAMINER  
Art Unit 3637